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STATUTORY INSTRUMENTS

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**2001 No. 824**

**The Court of Protection Rules 2001**

**PART IX**

**SUMMONSES AND ORDERS FOR ATTENDANCE  
OF WITNESSES AND OTHER PERSONS**

**Summoning of witnesses**

**48.**—(1) In any proceedings under these Rules the court may allow or direct any person to take out a witness summons in Form B requiring the person named in it to attend before the court and give oral evidence or produce any document.

(2) An application by a person allowed to take out a witness summons shall be made by filing a statement giving—

- (a) the name and address of the person making the application and of his solicitor, if any;
- (b) the name, address and occupation of the proposed witness;
- (c) particulars of any document which the proposed witness is to be required to produce; and
- (d) the grounds on which the application is made.

(3) A witness summons shall be served on the witness personally a reasonable time before the day fixed for his attendance and he shall be entitled to the same conduct money and payment of expenses and loss of time as if he had been summoned to attend the trial of an action in the High Court.

**Powers of court where undue delay, etc**

**49.**—(1) If the court is dissatisfied with the conduct of any proceedings or the carrying out of an order whether by reason of undue delay or otherwise, the court may require the person having the conduct of the proceedings, or any other person appearing to be responsible, to explain the delay or any other cause of dissatisfaction, and may then make such order for expediting the proceedings or otherwise as may be appropriate.

(2) For the purposes of paragraph (1), the court may direct any person to make any application and to conduct any proceedings and carry out any directions which the court may specify; and the court may, if it thinks fit and he consents, appoint the Official Solicitor to act as solicitor for the patient in the proceedings in the place of any solicitor previously acting for him.

**Order for examination of patient**

**50.** In any proceedings relating to a patient, a judge or Master may make an order for the patient's attendance at such time and place as he may direct for examination by the Master, a Visitor or any medical practitioner.